

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

GEORGE HART,

Plaintiff,

v.

OFFICER RUSSELL E. WHITE JR. #13770,
OFFICER JESUS CANO #13648, OFFICER
KRAMNYCKWJ #15153, OFFICER JEFFREY
J. ZWIT #10336, OFFICER LUIS VEGA
#13853, UNKNOWN OFFICERS, and the
CITY OF CHICAGO,

Defendants.

JUDGE ST. EVE
MAGISTRATE JUDGE BROWN

No. 08-c-761

JOINT STATUS REPORT

NOW COMES the Plaintiff, by and through his attorney, Erica Faaborg of Horwitz, Richardson, and Baker, LLC, and the Defendants, by and through their attorneys, Kathryn Doi of the City of Chicago Department of Law and Megan McGrath of the City of Chicago Department of Law, and submit this joint status report.

1. The lead attorneys on the case are Blake Horwitz for the Plaintiff and Kathryn Doi and Megan McGrath for the Defendants. These are the attorneys that will try the case if it goes to trial.
2. Basis for federal jurisdiction: 42 U.S.C. § 1983; 28 U.S.C. §1331 and §1343(a); the Constitution of the United States; and this Court's supplementary jurisdiction powers.
3. Nature of the claims asserted in the complaint and any counterclaims: The Plaintiff alleges he was falsely arrested and criminally charged and brings claims of § 1983 false arrest, malicious prosecution (state law claim), conspiracy (state law claim), *Monell* claims, an

indemnity claim against City of Chicago under 745 ILCS 10/9-102, and a supplementary *respondeat superior* claim.

4. The name of any party not yet served and the circumstances regarding non-service:

The City and the named Defendant Officers have been served and have appeared through counsel. To date, the unknown officers have not been identified. At such time as the unknown officers are identified, plaintiff will amend his complaint, and any identified officers will be served.

5. Principal legal issues: the probable cause standard for a false arrest claim, and the elements of, conspiracy and malicious prosecution, and the City's liability under *Monell*.

6. Principal factual issues: whether the Defendants had any basis to arrest and charge the Plaintiff, i.e. the Defendants' factual basis for probable cause and the Plaintiff's claimed lack thereof.

7. Whether a jury trial is expected by either party: All parties demand a trial by jury.

8. A short description of any discovery undertaken to date and any anticipated in the future: no discovery has occurred to date. The parties expect to use the normal discovery devices, including requests for production, interrogatories, requests for admission, and depositions. At this juncture, the parties may exceed the ten (10) depositions allotted by the Federal Rules of Procedure given the number but do not anticipate needing more than the seven (7) hours allotted for each such deposition. The parties propose the following discovery schedule:

- a. Fact discovery to be completed by September 30, 2008.
- b. Plaintiff to disclose expert witnesses by October 24, 2008.
- c. Defendant to disclose expert witnesses by November 26, 2008.

9. At this stage, Defendant City of Chicago anticipates filing a motion to structure discovery of the case relative to the *Monell* claim.

10. The earliest date the parties will be ready for trial and the length of the trial: The parties believe they can be ready for trial in approximately eight months (December 15, 2008) and anticipate the trial lasting 3- 4 days.

11. Whether or not the parties unanimously consent to proceed before a Magistrate Judge: the parties do not unanimously consent to proceed before a Magistrate Judge at this time.

12. The status of any settlement discussions and whether the parties request a settlement conference: Plaintiffs have not made a demand, and to date, no settlement discussions have occurred. At this juncture the parties are not requesting a settlement conference.

Respectfully submitted,

s/ Erica Faaborg

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